

# CITY COUNCIL PROCEEDINGS

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## MINUTES OF THE MEETING OF THE CITY COUNCIL

Wichita, Kansas, May 8, 2001  
Tuesday, 9:00 A.M.

The City Council met in regular session with Mayor Knight in the Chair. Council Members, Fearey, Gale, Lambke, Martz, Pisciotte, present. Council Member Brewer absent.

Chris Cherches, City Manager; Gary Rebenstorf, Director of Law; Pat Burnett, City Clerk; present.

Very Reverend Paul O'Callaghan, St. George Christian Cathedral, gave the invocation.

The pledge of allegiance to the flag was participated in by the Council Members, staff, and guests.

Minutes -- approved      The minutes of the regular meeting of May 1, 2001, were approved 6 to 0. (Brewer absent)

## AWARDS AND PRESENTATIONS

GOOCH SCHOLARSHIP      The El Paso/Coastal Kerry Gooch Scholarship was presented to Chris Greene.

PROCLAMATIONS      Proclamations previously approved were presented.

## UNFINISHED BUSINESS

**DAY REPORTING**      **REGULATION OF DAY REPORTING AND CORRECTIONAL PLACEMENT RESIDENCES.**  
(Continued from April 17, 2001.)

Cathy Holdeman      Administrative Services Director reviewed the Item.

Agenda Report No. 01-0508A.

On April 17, 2001, the City Council reviewed regulatory conditions for Day Reporting Centers including siting and licensing requirements. The City Council was provided information on Zoning Code amendments to determine an appropriate definition and Zoning Districts for Day Reporting Centers. Zoning amendments were scheduled for Council consideration on May 8, 2001. The City Council reviewed the regulatory requirements (including siting conditions and licensing requirements) and requested that staff conduct additional research and present findings for Council consideration at a later date.

On April 26, 2001, the Alternative Correctional Housing Advisory Board met to discuss amendments to the City ordinance governing Alternative Correctional Placement facilities. The proposed ordinance, as amended, now grants the City the ability to regulate the location of Day Reporting Centers. Additionally, the ordinance was amended to modify regulations already in place for Alternative Correctional Placement facilities. These address four general areas: licensing requirements; audit requirements for Day Reporting Centers; spacing requirements; and the regulation of sex offenders.

The City Council made a number of suggestions with respect to siting and regulatory requirements which are included in the proposed ordinance. These include:

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(1) Siting Criteria – A specific distance of 1,200 feet has been proposed as being the minimum distance. Under this proposal, Alternative Correctional Placement Residences and Day Reporting Centers will have to be 1,200 feet from day care centers/facilities; public parks/playgrounds; private businesses that primarily serve children and/or youth under the age of 18; public/private preschools, elementary, middle and high schools; residences or agencies that provide on site-services for person treated for developmental, physical or mental disabilities; taverns/drinking establishments; adult entertainment establishments; and residential zoning districts. This distance will be measured from the facility building to the closest property line of a listed incompatible use. Minimum distance to facilities that serve youth - as well as to non-residential agencies that serve individuals with disabilities - - was suggested as a siting requirement (by the City Council) and is included in the spacing requirements. The ordinance is also amended, however, to give the City Council the authority to reduce or waive specific distance separation and spacing requirements after Board review and recommendation.

(2) Licensing - The proposed ordinance requires Day Reporting Centers to be licensed. In the licensing requirements it is proposed that these facilities must provide information on the existence of sex offenders, as required for Alternative Correctional Placement Residences. However, Day Reporting Centers are not required to (continually) notify neighbors of this population due to the proposed zoning of such facilities (industrial districts only) and the proposed licensing standards requiring that such facilities be a minimum of 1,200 feet from a residential district or the incompatible uses listed above.

(3) Notification - Sexual offender notification continues to be a requirement for Alternative Correctional Placement residences. The proposed ordinance will only grant a license for existing (or new facilities) that house sexual offenders if the facilities are located in appropriate zoning districts that are at least 1,200 feet from residential districts, or other incompatible uses listed. The Alternative Correctional Housing Advisory Board recommended that existing facilities should be a grandfathered use and continue to be able to house sex offenders if they do not meet the new distance requirements. The Board, however, requested additional time to study the issue.

The proposed ordinance does address the Board's concern in that all existing facilities that house sexual offenders have recently been licensed; and accordingly, such facilities would have one year to comply with the sex offender provision. The Alternative Correctional Housing Advisory Board would use this time to study and review experience and possible other requirements.

Licensing of Day Reporting Centers will require premise inspections by the Office of Central Inspection, Fire Department and the Health Department, along with appropriate Police checks on individuals operating and employed by the facility. Program Audits will continue to be conducted. Funding for such audits will be similar to those conducted for the Alternative Correctional Placement Residences.

Council Member Fearey Council Member Fearey said circumstances that should allow Reporting Centers to be grandfathered probably need to be looked into. It seems unfair that if the Reporting Center moved to another location and someone moved nearby, the Reporting Center would be able to continue business; however, a Reporting Center remaining in the same location would not be able to continue business if certain circumstances existed.

There might also be problems if word spread that a Reporting Center might be placed at a certain location and someone immediately rented space nearby saying it was to be used for a day care center (or that type of use) in order to keep the Day Reporting Center from being licensed.

Mayor Knight Mayor Knight inquired if anyone wished to be heard.

Rosalee Bradley Rosalee Bradley said the community needs to discuss this matter with the Department of Corrections.

Kent Murray Kent Murray, Christian Life Change House, Inc., said they have facilities on north Topeka and north Wellington. The group wanted to do the right thing. In the beginning, they talked to the neighbors and did not seek licensing. Now, they are reassessing the situation. The Office of Central Inspection and the Planning Department have both said the chance of licensing at the Topeka and Wellington sites was bleak.

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Parolees must go somewhere. Mr. Murray asked that the City Council let the group know where they can go and give support to the organization of Christian ministry.

Motion --

-- carried

Pisciotte moved that the proposed licensing and regulations be approved; the Ordinance be placed on first reading; and the Alternative Correctional Housing Board continue to study and review the provisions of the Ordinance and make appropriate recommendations. Motion carried 6 to 0. (Brewer absent)

## ORDINANCE

An Ordinance amending Sections 20.01.010, 20.01.060, 20.01.100, 20.01.110, 20.01.120 and 20.01.140 of the Code of the City of Wichita, Kansas, as amended by Ordinance 44-819, and repealing the originals of said Sections; pertaining to the licensing of Day Reporting Centers as correctional placement residences, and subject such facilities to certain regulations set forth in the Alternative Correctional Housing Ordinance, introduced and under the rules laid over.

## NEW BUSINESS

### CHAMBER ECONOMIC DEV.

#### 2001 CHAMBER CONTRACT FOR ECONOMIC DEVELOPMENT SERVICES.

Allen Bell

Financial Projects Director reviewed the Item.

Agenda Report No. 01-0595.

Since 1998 following the disbanding of the WI/SE Partnership for Growth, the City has contracted with the Wichita Area Chamber of Commerce to provide certain economic development services that had previously been provided by WI/SE. The contract is a joint economic development effort with the Chamber, the City, and Sedgwick County. Under the contract, the Chamber manages specified economic development efforts on behalf of the City and County and works with the respective economic development staffs on various projects. Under the terms of the contract, the Chamber is required to meet certain goals as contained in the approved business plan. Staff has negotiated program enhancements and performance requirements for the proposed 2001 contract for services.

The 2001 Economic Development Business Plan has five major areas: Business Development; Research Support; Workforce Development; Air Service; and Community Marketing. City funding is requested for part of the Business Development, Research Support and Community Marketing activities. Contract activities focus on the following goals:

--Local Expansion/Retention of Existing Businesses. Provide community support to existing businesses by assisting in expansion opportunities to secure 1,500 new or retained jobs in the area.

--Business Recruiting. Obtain commitment from new companies to locate a facility in the Wichita area and add 1,500 new jobs in 2001.

--Downtown Core Area. Promote growth and investment in Wichita's downtown to increase building occupancy and increase favorable downtown projects.

--New Business Development. Work with local service organizations to promote/enhance the creation of new jobs through business start-ups and new business ventures.

Work covered by the 2001 Contract for Services will be carried out primarily by the Chamber's Economic Development Department, which consists of the Vice President for Economic Development, Economic Development Director and an Administrative Assistant. Other Chamber staff provides support in the areas of research, workforce development and marketing. Economic development efforts

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are augmented by a work group consisting of economic development staff from the City, County, State, local non-governmental agencies and utilities.

City funding in the 2001 contract will be applied as follows:

Personnel costs	\$ 95,600
Business Expansion costs	52,175
Research Support	34,225
Community Marketing	<u>28,000</u>
Total Contract Amount	\$210,000

Funding for the contractual services are budgeted in the 2001 adopted budget in the Economic Development Trust Fund. Funds will be paid to the Chamber pursuant to invoices showing actual costs incurred subject to the contract budget. Funds not needed for actual contract costs will be retained by the City.

Mayor Knight

Mayor Knight inquired if anyone wished to be heard and no one appeared.

Motion --  
-- carried

Knight moved that the Contract be approved and the necessary signatures be authorized. Motion carried 6 to 0. (Brewer absent)

## WATER QUALITY

### ARKANSAS RIVER WATER QUALITY INITIATIVE.

Chris Cherches

City Manager reviewed the Item.

Agenda Report No. 01-0596.

The Kansas Department of Health and Environment (KDHE) has identified portions of the Arkansas River and Little Arkansas River as being impaired for recreational use based on current water quality standards for bacterial levels (fecal coliform). The City has recently experienced impaired water quality in portions of the River that traverses through its City limits. The results of various studies, testing and publicity relating to concerns about recreational uses of the Arkansas River have resulted in a renewed focus toward water quality issues relating to the Arkansas River.

To address these issues and concerns, the City of Wichita, in cooperation with the Kansas Department of Health and Environment, has significantly expanded sampling and monitoring of the two Rivers and have collaborated on a Mayor's Arkansas River Symposium (attended by over 200 individuals representing various organizations, state and local governments, and interested citizens). One of the critical components of the Symposium was to solicit ideas and action items needed to improve the overall Arkansas River quality. The results from the Symposium focused on the following actions:

- Identification and quantification of the source of the pollution problems.
- Development a public education program
- Development of a long-range plan to address Arkansas River Water Quality Issues
- Establish an Arkansas River Advisory Task Force

All of the items, with the exception of the establishment of the Task Force, have been addressed in varying degrees resulting in the following actions:

1. Congress has appropriated \$2.3 million for addressing Arkansas River Water Quality issues (\$2.0 million for projects to improve water quality and \$300,000 for assessment, studies, investigation and long range planning).
2. A consultant (HDR Inc.) was selected to conduct environmental engineering services/surveys. The consultants have been tasked to create a data base of historical and new water quality data, identify pollution sources, assist in public education, and develop a long-range plan to address water quality issues on the Arkansas River.

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3. A public information program, involving a logo with an action statement "Our River Our Responsibility" has been developed along with an informational brochure and plans for creating community awareness about river issues, including the use of the City of Wichita's official website for data and information.

To address one of the remaining action steps of the Symposium is the establishment of an Advisory Committee. Because of the importance of the River and its water quality, it is imperative that both public and private support be obtained. And, because of the number of interested parties and divergent interests, it is vital to have open communication and involvement of all public and private partners in the effort. To ensure citizen involvement, it is recommended that two groups be appointed: the first group would be a Technical Task Force, appointed by the City Manager and comprised of technical, academic and professional individuals with appropriate background, expertise and experience water quality, biology, environmental and other technical areas. The role of this Task Force will be work with the consultants during its various phases of study/surveying, evaluate data from testing/monitoring, assist in formulating the long-range River improvement plan, and to provide technical guidance to state and local governments along with other interests to reduce pollution and restore water quality. The Technical Task Force will also deal with issues relating to water quality studies, chemical and biological impacts, stream flows, environmental and health issues.

The second group, the River Advisory Committee, appointed by the Mayor, would involve a larger and more diverse group of individuals who have special interests or represent organizations active in support of the River and its water quality. This Committee will be involved in providing a two-way communication linkage to the diverse elements within the community and river basin, serving as a liaison to their respective organizations or interest groups, assist in building a consensus for the various programs that will be initiated to eliminate pollution in the River, assist in the review and implementation of the public education program, provide input into the development of the long-range River improvement plan, and look at issues relating to building partnerships with the various stakeholders impacting the River quality, develop and maintain Best Practices information, develop effective legislative support for Arkansas River initiatives, and perform in other advisory capacities. This Committee is not intended to be involved in the technical or enforcement roles involving water quality issues.

The City, along with representatives from the State, will be active in support of both the Technical Task Force and River Advisory Committee. Costs will be minimal except for materials, copying and mailing costs, and staff time required to service both groups. It is estimated that a budget expense of approximately \$10,000/annually will be required.

The City Council has the authority to establish advisory groups, as required.

Mayor Knight

Mayor Knight inquired if anyone wished to be heard and no one appeared.

Mayor Knight

Knight appointed Council Members Martz and Fearey to co-chair the River Advisory Committee. Other Council Members are to notify Martz and Fearey of selection of representatives to the Committee.

Motion --

Knight moved that the City Council approve the establishment of the River Advisory Committee and approve the appointments to the committee; request that the City Manager establish and appoint a Technical Advisory Task Force; and authorize necessary budget adjustments in support of both groups. Motion carried 6 to 0. (Brewer absent)

-- carried

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## **CARR STREET IMP. CARR STREET IMPROVEMENT FROM LARK LANE TO STONY POINT LANE.** (District V)

Mike Lindebak City Engineer reviewed the Item.

Agenda Report No. 01-0607.

On April 3, 2001, the City Council adopted a Resolution setting May 8, 2001, as a public hearing date to consider the paving of Carr Street, between Lark Lane and Stony Point Lane. District V Advisory Board sponsored neighborhood hearings to discuss the project. On February 5, 2001, the Board recommended that the street be paved.

Carr Street is the only "direct link" connecting Maize Road and Lark Lane, south of Kellogg. The adjacent area is an older, residential neighborhood, but the area to the west (across Lark) is rapidly developing with new residential subdivisions.

Only one block of Carr Street remains unpaved. As the area continues to develop along with the implementation of the Kellogg freeway construction, it becomes important that Carr Street be improved. Currently, Carr Street is difficult to maintain and dust is a problem for the neighborhood. These conditions will grow worse if not paved.

The estimated project cost is \$78,000. The owner of a nearby business (located outside the improvement district) has offered to make a donation equivalent to 20% of the paving cost. The proposed method of assessment is the square-foot basis. The estimated rate of assessment to individual properties is \$00.07 per square foot of ownership.

State Statutes provide the authority for the City Council to order in the paving.

Mayor Knight Mayor Knight inquired if anyone wished to be heard and no one appeared.

Motion -- Martz moved that project be approved; the Resolution be adopted; and the Staff Screening and  
-- carried Selection Committee be authorized to select a design engineer. Motion carried 6 to 0. (Brewer absent)

### RESOLUTION NO. 01-197

Resolution of findings of advisability and Resolution authorizing improving of Carr from the east line of Lark Lane to the west line of Stony Point Lane, 472-83381, in the City of Wichita, Kansas, pursuant to findings of advisability made by the Governing Body of the City of Wichita, Kansas, presented. Knight moved that the Resolution be adopted. Motion carried 6 to 0. (Brewer absent) Yeas: Fearey, Gale, Lambke, Martz, Pisciotte, Knight.

## **CITY COUNCIL AGENDA**

### **TRAVEL APPROVAL APPROVAL OF COUNCIL MEMBER GALE'S TRAVEL TO RIO RANCHO, NM, MAY 17-20, 2001, FOR NATIONAL LEAGUE OF CITIES PUBLIC SAFETY AND CRIME PREVENTION STEERING COMMITTEE MEETING.**

Motion -- carried Knight moved that the expenditures be approved. Motion carried 6 to 0. (Brewer absent)

### **APPROVAL OF COUNCIL MEMBER MARTZ'S TRAVEL TO TULSA, OK, MAY 31-JUNE 2, 2001, FOR NATIONAL LEAGUE OF CITIES HUMAN DEVELOPMENT STEERING COMMITTEE MEETING.**

Motion -- carried Knight moved that the expenditures be approved. Motion carried 6 to 0. (Brewer absent)

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## APPOINTMENTS

### BOARD APPOINTMENTS

No appointments were made.

### CONSENT AGENDA

Mayor Knight inquired whether anyone wished to be heard on Item No. 12 and no one appeared. Knight moved that the Consent Agenda be approved in accordance with the recommended action shown thereon. Motion carried 6 to 0. (Brewer absent)

## BOARD OF BIDS

### REPORT OF THE BOARD OF BIDS AND CONTRACTS DATED MAY 7, 2001.

Bids were opened May 4, 2001, pursuant to advertisements published on:

Main 3, Cowskin Interceptor Sewer, Mid-Continent Industrial Park, Skyway Industrial Park and other tracts - south of Kellogg, both sides of Tyler Road. (468-83149/743856/480544) Traffic to be maintained during construction using flagpersons and barricades. (District V)

Nowak Construction - \$559,236.65

16-Inch water supply Line in Maple from 119th Street West to 135th Street West.- north of Kellogg, west of 119th Street West. (448-89530/633719 /750561) Traffic to be maintained during construction using flagpersons and barricades. (District V)

Wildcat Construction - \$248,472.00

Knight moved that the contract(s) be awarded as outlined above, subject to check, same being the lowest and best bid within the Engineer's construction estimate, and the and the necessary signatures be authorized. Motion carried 6 to 0. (Brewer absent)

WATER & SEWER DEPARTMENT/SEWAGE TREATMENT DIVISION: 6200 gallon stainless steel tank trailer. (624066)

Northcutt Trailers & Equipment - \$43,616.00 (Total net bid)

HOUSING SERVICES DEPARTMENT/PUBLIC HOUSING DIVISION: Preventive Service Maintenance and Inspection for Commercial Chillers, Boilers, Pumps and Tracers. (127001)

The Waldinger Corporation - \$122.00 (Group 1 per Occurrence/Item 1)  
\$122.00 (Group 1 per Occurrence/Item 2)  
\$ 90.67 (Group 1 per Occurrence/Item 3)  
\$ 90.67 (Group 1 per Occurrence/Item 4)  
\$ 30.22 (Group 1 per Occurrence/Item 5)  
\$ 30.22 (Group 1 per Occurrence/Item 6)  
\$122.00 (Group 2 per Occurrence/Item 7)  
\$122.00 (Group 2 per Occurrence/Item 8)  
\$ 90.66 (Group 2 per Occurrence/Item 9)  
\$ 90.66 (Group 2 per Occurrence/Item 10)  
\$ 30.22 (Group 2 per Occurrence/Item 11)  
\$ 30.22 (Group 2 per Occurrence/Item 12)  
\$132.00 (Group 2 per Occurrence/Item 13)  
\$132.00 (Group 2 per Occurrence/Item 14)  
\$ 56.00 (Group 3/Item 23-cost per hour)  
\$ 84.00 (Group 3/Item 24-cost per hour)  
\$112.00 (Group 3/Item 25-cost per hour)

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\$ 5.00 (Group 3/Item 26-cost per pound)

\$ 25.00 (Group 3/Item 27-cost per gallon)

Knight moved that the contract(s) be awarded as outlined above, same being the lowest and best bid, and the necessary signatures be authorized. Motion carried 6 to 0. (Brewer absent)

## LICENSE APPS.

### APPLICATIONS FOR LICENSES TO RETAIL CEREAL MALT BEVERAGES:

<u>Renewal</u>	<u>2001</u>	<u>(Consumption on Premises)</u>
Isabel Salome	Angela's Café*	10901 East Kellogg Drive
		<u>(Consumption off Premises)</u>
David W. Haubenstein	Metro Oil Co., dba Total #4177	851 South Meridian
David W. Haubenstein	Metro Oil Co., dba Total #4178	324 West Harry
David W. Haubenstein	Metro Oil Co., dba Total #4180	1826 East 13th Street
David W. Haubenstein	Metro Oil Co., dba Total #4182	4003 South Broadway
David W. Haubenstein	Metro Oil Co., dba Total #4183	731 North Ridge
David W. Haubenstein	Metro Oil Co., dba Total #4184	106 South Hydraulic
David W. Haubenstein	Metro Oil Co., dba Total #4185	223 East 21st Street
David W. Haubenstein	Metro Oil Co., dba Total #4186	3919 West Pawnee
David W. Haubenstein	Metro Oil Co., dba Total #4188	1622 South West Street
David W. Haubenstein	Metro Oil Co., dba Total #4191	248 South Hillside
David W. Haubenstein	Metro Oil Co., dba Total #4194	3233 North Rock Road

### Special Event

May 18-19, 2001

Brian N. Thompson	Ice Sport Center of Wichita	505 West Maple
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\*General/Restaurant - 50% or more of gross receipts derived from sale of food.

Motion -- carried

Knight moved that the licenses be approved subject to Staff approval. Motion carried 6 to 0. (Brewer absent)

## PLANS AND SPECS.

### SUBDIVISION PLANS AND SPECIFICATIONS.

There were no Sub-Division Plans and Specifications considered.

## PRELIMINARY ESTS. PRELIMINARY ESTIMATES:

- a. 2001 contract maintenance area concrete reconstruction Phase 2 - north of 31st Street South, east of Broadway. (472-83346/131532/) Traffic to be maintained during construction using flagpersons and barricades. (District VI) - \$93,200.00
- b. 2001 KLINK (FY2001) asphalt mill and overlay of Kellogg East-Bound Lanes from Webb Road to 127th Street East - east of Webb on Kellogg. (472-83335/132710/) Traffic to be maintained during construction using flagpersons and barricades. (District II) - \$300,000.00
- c. Ellson, from the west line of Ellson to and including the cul-de-sac, serving Lots 1 through 4, Block 1, Ellson Court Addition - south of Central, east of Greenwich. (472-83312/765677/490788) Does not affect existing traffic. (District II) - \$59,400.00
- d. Lateral 467, Southwest Interceptor Sewer to serve Shelly's Orchard Addition - east of Maize, north of Pawnee. (468-83218/468-83251/743868/480556) Does not affect existing traffic. (District VI) - \$187,680.00



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e. Water distribution system to serve Ellson Court Addition - south of Central, east of Greenwich). - 448-89540/735008/470678. Does not affect existing traffic. (District II) - \$16,400.00

Motion -- carried Knight moved that the Preliminary Estimates be received and filed. Motion carried 6 to 0. (Brewer absent)

## DEEDS/EASEMENTS DEEDS AND EASEMENTS:

a) Drainage Easement dated March 9, 2001 from Robert J. Landers and Karen L. Landers for a tract of land in Lot 14, Block 1, The Orchard at Shadybrook Farm, an Addition to Sedgwick County, Kansas (Private Project, OCA # 607681). No cost to City.

b) Drainage Easement dated March 9, 2001 from Glenn A. Personey and Darla Dasch Personey for a tract of land in Lot 13, Block 1, The Orchard at Shadybrook Farm, an Addition to Sedgwick County, Kansas (Private Project, OCA # 607681). No cost to City

Motion -- Knight moved that the documents be received and filed; and the necessary signatures be  
-- carried authorized. Motion carried 6 to 0. (Brewer absent)

## PAVING PETITION (item no. 12)

### **PETITION TO PAVE RITA FROM WEST STREET TO KESSLER, AND KESSLER FROM RITA TO JEWELL.** (District IV)

Agenda Report No. 01-0597.

On March 16, 1999, the City Council approved a Petition to pave Rita and Kessler Streets, east of West Street. An attempt to award a construction contract within the budget set by the Petition was not successful. The property owners have submitted a new Petition with an increased budget. The signatures on the Petition represent 2 of 4 resident owners of 55% of the improvement district area. District Four Advisory Board considered the Petition on April 4, 2001. The Board recommended approval.

The project will provide paved access to an industrial area.

The original Petition totaled \$172,000. The new Petition totals \$235,000. The funding source is special assessments. The method of assessment is the square foot basis. The estimated rate of assessment is \$00.48 per square foot of ownership.

State Statutes provide that a Petition is valid if signed by a majority of resident property owners or owners of the majority of the property in the improvement district.

Mayor Knight Mayor Knight inquired if anyone wished to be heard and no one appeared.

Motion -- carried Knight moved that the Petition be approved and the Resolution be adopted. Motion carried 6 to 0.  
(Brewer absent)

## RESOLUTION NO. 01-198

A Resolution amending Resolution No. R-99-091 pertaining to the improving of Rita, from the east line of West Street to Kessler, and Kessler, from Rita to the south line of Jewell, Project No. 472-83083, in the City of Wichita, Kansas, pursuant to findings of advisability made by the Governing Body of the City of Wichita, Kansas, presented. Knight moved that the Resolution be adopted. Motion carried 6 to 0. (Brewer absent) Yeas: Fearey, Gale, Lambke, Martz, Pisciotte, Knight.

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## BOARDS MINUTES

### MINUTES OF ADVISORY BOARDS/COMMISSIONS:

Housing Advisory Board, 3-20-2001  
Alternative Correctional Housing Advisory Board, 3-22-2001  
Metropolitan Area Planning Commission, 3-22-2001  
Wichita Public Library, 4-17-2001

Motion -- carried Knight moved that the Minutes be received and filed. Motion carried 6 to 0. (Brewer absent)

## STREET CLOSURES

### CONSIDERATION OF STREET CLOSURES/USES.

There were no street closures considered.

## TEEN CENTER

### TEEN CENTERS, INC., CONTRACT.

Agenda Report No. 01-0598.

On April 24, 2001, the City Council authorized funding from the Home Improvement Mortgage Revenue (1983) Bond program in the amount of \$10,000 to assist the Teen Centers, Inc. with their operational costs.

The funds will be used to assist in the payment of rent, utilities and other current obligations. The contract term is May 1, 2001 to August 31, 2001.

Funds in the amount of \$10,000 from the Home Improvement Mortgage Revenue (1983) Bond program will be used to assist the Teen Centers, Inc., with operational costs during the contract period. Funds will be released contingent on the Teen Centers, Inc. providing proper documentation for reimbursement.

Motion -- Knight moved that the Agreement/Contract be approved and the necessary signatures be authorized.  
-- carried Motion carried 6 to 0. (Brewer absent)

## PUBLIC SAFETY

### INTEGRATED PUBLIC SAFETY SYSTEM CONTRACT ADDENDUM.

Agenda Report No. 01-0599.

In May 2000, the City contracted with TRW to provide and implement the E\*Justice Public Safety System. This system will integrate the operations of Police, Municipal Court, Probation and Prosecutor's Office. In addition, it would be compliant with the National Incident Based Reporting System (NIBRS) and function within the City's computer programming standard of Windows NT and Oracle database environment.

The TRW project manager and a Staff project team, consisting of 4 individuals from the Municipal Court, IT/IS, and Police Department, created a project task list and timeline. A detailed Requirements Matching Document (RMD) was created. The purpose of the RMD was to document each automated work process necessary for the Police, Municipal Court, Probation and Prosecutor's offices to function optimally. TRW facilitated meetings with each area of these departments, documented all work processes and how they related to E\*Justice system.

The Staff project team analyzed the RMD and created a detailed Requirements Definition for each enhancement necessary for the Police, Municipal Court, Probation and Prosecutor's offices to achieve full functionality with the E\*Justice system. These requirement were submitted to TRW for pricing. TRW reviewed the Requirements Definitions and submitted a quote for writing these software enhancements.

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Additional funding is requested for these software enhancements which allow improved efficiency of operations and full functionality with the E\*justice software in the Police, Municipal Court, Probation and Prosecutor's offices. Estimated delivery of these enhancement is December 2001.

The cost of the E\*Justice software enhancements is not to exceed \$900,000 (\$804,303 in enhancements and \$95,697 in contingency). Funding for this cost is available from a \$1.5 million grant the City has received to offset the cost of automation in law enforcement services. No additional local funding is required.

The contract addendum is subject to review and approval as to form by the Department of Law.

Motion --  
-- carried

Knight moved that the Agreement/Contract be approved and the necessary signatures be authorized.  
Motion carried 6 to 0. (Brewer absent)

## WORLD TRADE

### 2001 WORLD TRADE CENTER CONTRACT.

Agenda Report No. 01-0600.

Since 1998, the City has contracted for economic development services from the Kansas World Trade Center ("KWTC") in the amount of \$50,000. Sedgwick County contracts for similar services in the same amount each year. City, County and KWTC staff have negotiated terms for the 2001 contracts for services. The County Commission recently approved the County contract with KWTC and the City contract is presented at this time for approval.

The mission of the KWTC is to promote the expansion of export activities of businesses in Kansas by providing specialized assistance and research to companies wishing to expand their access to the global marketplace, or to enter it for the first time. In addition to providing consulting and targeted services and targeted research for companies that are actively seeking international trade opportunities, the KWTC also conducts promotional campaigns, seminars, trade missions and presentations aimed at creating awareness of such opportunities, both on the part of Kansas businesses and overseas companies. Under the contract for services with the City, KWTC will provide economic development services to companies striving to increase international trade activity, including consulting and research services, translations, trade seminars and conferences.

Payment for the contractual services will not exceed \$50,000 is budgeted in the adopted 2001 budget and will be funded from the Economic Development Trust Fund.

Motion --  
-- carried

Knight moved that the Agreement/Contract be approved and the necessary signatures be authorized.  
Motion carried 6 to 0. (Brewer absent)

## DESIGN SERVICES

### AGREEMENT FOR DESIGN SERVICES - THE LOCHS AT ABERDEEN, ABERDEEN THIRD ADDITION, AND EVANGEL ASSEMBLY OF GOD ADDITION. (District V)

Agenda Report No. 01-0601.

The City Council approved the project on March 27, 2001.

The proposed Agreement between the City and Poe & Associates of Kansas, Inc. (Poe) provides for the design of bond financed improvements in The Lochs at Aberdeen, Aberdeen 3rd Addition and Evangel Assembly of God Addition. Per Administrative Regulation 7a, staff recommends the selection of Poe because Poe provided the preliminary engineering services for the platting of the subdivision and can expedite plan preparation.

Payment will be on a lump sum basis of \$61,400, and will be paid by special assessments.

Motion --  
-- carried

Knight moved that the Agreement/Contract be approved and the necessary signatures be authorized.  
Motion carried 6 to 0. (Brewer absent)

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## **DESIGN SERVICES     AGREEMENT FOR DESIGN SERVICES - SHELLY'S ORCHARD ADDITION.** (District V)

Agenda Report No. 01-0602.

The City Council approved the project on March 27, 2001.

The proposed Agreement between the City and Savoy, Ruggles & Bohm, P.A. (SRB) provides for the design of bond financed improvements in Shelly's Orchard Addition. Per Administrative Regulation 7a, staff recommends the selection of SRB because SRB provided the preliminary engineering services for the platting of the subdivision and can expedite plan preparation.

Payment will be on a lump sum basis of \$46,010, and will be paid by special assessments.

Motion --                      Knight moved that the Agreement/Contract be approved and the necessary signatures be authorized.  
-- carried                      Motion carried 6 to 0. (Brewer absent)

## **DESIGN SERVICES     AGREEMENT FOR DESIGN SERVICES ANGEL FIRE ADDITION.** (District IV)

Agenda Report No. 01-0603.

The City Council approved the project on November 14, 2000.

The proposed Agreement between the City and Baughman Company, P.A. provides for the design of bond financed improvements in Angel Fire Addition. Per Administrative Regulation 7a, staff recommends the selection of Baughman because Baughman provided the preliminary engineering services for the platting of the subdivision and can expedite plan preparation.

Payment will be on a lump sum basis of \$96,200, and will be paid by special assessments.

Motion --                      Knight moved that the Agreement/Contract be approved and the necessary signatures be authorized.  
-- carried                      Motion carried 6 to 0. (Brewer absent)

## **SANITARY SEWER     CHANGE ORDER: MAIN 1, NORTHWEST INTERCEPTOR SEWER – NORTH OF 21ST, WEST OF MAIZE.** (District V)

Agenda Report No. 01-0604.

On September 26, 2000, the City Council approved a construction Contract for a sewer main, pump station and force main to serve a large area of Wichita north of 21st, west of Maize Road. Part of the work is extending a sewer line to serve a new retail development at the northwest corner of 21st and Maize. Since the project was bid, additional easements have been acquired across adjacent undeveloped property. It is proposed that the project scope be expanded to extend the pipeline across the property before development, to avoid future costs for landscape restoration.

A Change Order has been prepared that authorizes the additional work. Funding is available within the project budget.

The total cost of the additional work is \$33,377. The funding source is the Sanitary Sewer Utility.

The Change Order amount is within the 25% of the construction Contract cost limit set by the City Council policy.

Motion --                      Knight moved that the change order be approved and the necessary signatures be authorized. Motion  
-- carried                      carried 6 to 0. (Brewer absent)

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## DESIGN SERVICES

### AGREEMENT FOR DESIGN SERVICES - KELLOGG/ROCK ROAD INTERCHANGE.

(District II)

Agenda Report No. 01-0605.

In October 1996, the City adopted Ordinance 43-308 that provided limited funding for the Kellogg/Rock Road Interchange. These funds have been used for preliminary design and opportunity right-of-way purchases.

This project is F-32 in the adopted 2001 Capital Improvement Plan. Final design and major right-of-way acquisition will begin this year. Construction is programmed to begin in 2003. The State of Kansas has selected this project as a System Enhancement project, and will pay for construction costs. The City of Wichita is obligated to pay for design and right-of-way costs.

In 1997, the City entered into an Agreement with Cook, Flatt and Stroble (CFS) to begin preliminary design for the entire East Kellogg Corridor. This Agreement provides that when authorized by Supplemental Agreement, CFS will prepare final construction plans for the project. A Supplemental Agreement has been negotiated with CFS to provide those services.

Payment to CFS will be on a cost-plus fixed fee basis in an amount not to exceed \$2,414,904. An Ordinance has been prepared that authorizes funding for the project. The funding source is Local Sales Tax for design and right-of-way costs, and State System Enhancement funds for construction costs.

Motion --  
-- carried

Knight moved that the Agreement/Contract be approved; the Ordinance be placed on first reading; and the necessary signatures be authorized. Motion carried 6 to 0. (Brewer absent)

## ORDINANCE

An Ordinance declaring Kellogg (U.S. 54), from Gouverneur Road to I-35 \*KTA) to be a main trafficway within the City of Wichita, Kansas, declaring the necessity of and authorizing certain improvements to said main trafficway; and setting forth the nature of said improvements, the estimated costs thereof, and the manner of payment of same repealing Ordinance No. 43-308, of the City of Wichita, Kansas, introduced and under the rules laid over.

## TECHNOLOGY PROG. TECHNOLOGY OPPORTUNITIES PROGRAM GRANT APPLICATION.

Agenda Report No. 01-0606.

The National Telecommunications and Information Administration, part of the U.S. Department of Commerce, issued a national request for competitive applications for its Technology Opportunities Program (TOP). TOP gives grants for model projects demonstrating innovative uses of network technology. The program evaluates and actively shares the lessons learned from these projects to ensure that benefits are broadly distributed across the country. The FY 2001 application process is open to states and local units of government.

The City has prepared three grant applications for these funds for submission to TOP. The City's Information Technology Division has agreed to serve as the lead agency for administration of the grant funds, if the grant is approved. However, being awarded the grant does not obligate the City to execute the project.

The City's grant application consists of funding for one-time purchases and ongoing costs for three years, which include: implementation of a wide-area network for City Hall and all remote City sites (\$2,143,210); implementation of hand-held technology for Central Inspection (\$422,588); and implementation of Citrix technology for the Park Department (\$210,344).

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The City's grant applications total \$2,776,142. If approved, a total of \$1,216,466 would be provided by the federal grant. The City's required matching share of \$1,559,676 would be provided from the special projects budget.

Motion -- Knight moved that submission of the grant application be approved and the necessary signatures be authorized. Motion carried 6 to 0. (Brewer absent)  
-- carried

## **MAPLE STREET IMP. MAPLE STREET IMPROVEMENT, 135TH STREET WEST TO 119TH STREET WEST** (District V)

Agenda Report No. 01-0608.

The 2001 Capital Improvement Program includes funding to improve Maple, between 135th Street West and 119th Street West. District V Advisory Board sponsored an April 2, 2001 neighborhood hearing on the project. The Board recommended approval.

The project consists of reconstructing Maple to provide four through lanes and center left turn lanes. A bridge will be built over the North Fork of Calfskin Creek. Construction will begin this summer and should be complete by year-end.

It is proposed that Maple be closed to through traffic while the bridge is being constructed. Local access to businesses and residences will be provided at all times.

The project budget is \$3,500,000, with \$900,000 to be funded by General Obligation Bonds and \$2,600,000 to be funded by Federal Funds administered by the Kansas Department of Transportation.

Motion -- Knight moved that project be approved; the Ordinance be placed on first reading; and the necessary signatures be authorized. Motion carried 6 to 0. (Brewer absent)  
-- carried

### ORDINANCE

An Ordinance declaring Maple, between 135<sup>th</sup> Street West and 119<sup>th</sup> Street West, 472-83262, to be a main trafficway within the City of Wichita, Kansas, declaring the necessity of and authorizing certain improvements to said main trafficway; and setting forth the nature of said improvements, the estimated costs thereof, and the manner of payment of same, introduced and under the rules laid over.

## **HUD**

### **HUD CONSOLIDATED PLAN ONE-YEAR ACTION PLAN.**

Agenda Report No. 01-0609.

On April 3, 2001, the City Council approved the proposed HUD One-Year Action Plan and authorized the thirty-day public comment period. The U.S. Department of Housing and Urban Development (HUD) requires submittal of a One-Year Action Plan for the Community Development Block Grant (CDBG), the HOME Investment Partnerships (HOME) and the Emergency Shelter Grant (ESG) program. Staff has prepared a One-Year Action Plan (2001-2002).

The City's final 2001-2002 One-Year Action Plan identifies needs and general strategies to be employed to address the needs. The final 2001-2002 One-Year Action Plan lists the specific federal resources expected to be available from various grant assistance programs to address priority needs (as adopted by the City Council); a description of the activities funded by the City Council; and the geographic location of the activities to be undertaken during the fiscal year. The 2001-2002 One-Year Action Plan covers the period July 1, 2001 through June 30, 2002.

The 2001-2002 One-Year Action Plan totals \$7,422,377 and is comprised of grant funds and estimated income (primarily from revolving funds such as Historic Loans).

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The City has met all federal requirements to submit the final One-Year Action Plan to HUD. A thirty-day public comment period was held and no comments were received.

Motion -- Knight moved that the 2001-2002 One-Year Action Plan be approved; and submittal of the plan to HUD and the necessary signatures be authorized. Motion carried 6 to 0. (Brewer absent)  
-- carried

**PROPERTY ACQ. ACQUISITION OF PORTION OF 11800 WEST KELLOGG FOR THE WEST KELLOGG/TYLER AND MAIZE HIGHWAY IMPROVEMENT PROJECT.** (District V)

Agenda Report No. 01-0610.

In November 1999, the City Council approved Ordinance 44-429 authorizing funding for the Kellogg/Tyler & Maize Highway project. This approval authorized staff to initiate acquisition of needed parcels. One acquisition is a portion of the property located at the 11800 West Kellogg which is owned by Resthaven Gardens of Memory. The total ownership contains approximately 113 acres and is utilized as a cemetery. The acquisition parcels contain a total of 25,573.5 square feet (in three pieces) along the south edge of the site.

The acquisition has been appraised for \$80,600 which included land at \$3.00 per square foot of land plus \$5,440 to replace paving and signage. During negotiations, it was learned that one of the parcels to be acquired would require the relocation of a fountain feeder conduit at a cost of \$7,940 bringing the acquisition cost to \$88,540. The owner has agreed to accept this amount.

Funds for land acquisitions have been budgeted in the 2000 Capital Improvement Program. The funding source will be Local Sales Tax revenues. A budget of \$89,000 is requested. This includes \$88,540 for the acquisition and \$460 for closing costs and title insurance.

Motion -- Knight moved that the budget and the Contract be approved; and the necessary signatures be authorized. Motion carried 6 to 0. (Brewer absent)  
-- carried

**PROPERTY ACQ. ACQUISITION OF LAND NEAR 42ND STREET NORTH AND MERIDIAN.** (District VI)

Agenda Report No. 01-0611.

The City Council has previously reviewed and approved the Fire Station Location Study. The study anticipates the relocation of eight existing fire stations and the construction of two new stations during the next ten years. A review of possible sites has been underway and the first three sites have been acquired.

A City staff team consisting of representatives from the Fire Department, Finance, and City Manager's Office conducted a review of multiple sites. A site on 42nd Street North approximately 275 feet west of Meridian has been selected pursuant to the requirements of the Fire Station Location Study. This site is in close proximity to I-235 and will provide quick response to north Wichita.

A budget of \$192,000 is requested. This includes \$187,500 for the acquisition and \$4,500 for surveys, title insurance and miscellaneous closing costs. Funding for the land acquisition is included in the adopted Capital Improvement Program.

Motion -- Knight moved that the budget and the Contract be approved; the Resolution be adopted; and the necessary signatures be authorized. Motion carried 6 to 0. (Brewer absent)  
-- carried

## RESOLUTION NO.01-199

A Resolution authorizing the issuance of Bonds by the City of Wichita at large in an amount not to exceed \$192,000 for the acquisition of certain real property for a fire station site generally located approximately 175 feet west of Meridian on 42<sup>nd</sup> Street North, presented. Knight moved that

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Resolution be adopted. Motion carried 6 to 0. (Brewer absent) Yeas: Fearey, Gale, Lambke, Martz, Pisciotte, Knight.

## PROPERTY ACQ.

### **ACQUISITION OF PART OF PORTION OF 1717 EAST 13TH STREET FOR THE HYDRAULIC INTERSECTION PROJECT.** (District I)

Agenda Report No. 01-0612.

In July of 1998, City Council approved a resolution calling for the improvement of several intersections and traffic corridors within the City. The intersection of 13th and Hydraulic was one such location.

The improvement plans call for partial acquisitions at three corners. A 200 foot triangular tract is required at the southeast corner. Dennis Jones owns this corner. The site is improved with a dental office. No improvements will be impacted by this project. A negotiated value of \$2500 has been agreed to by the owner for the partial acquisition.

The Council resolution approved \$95,000 in general obligation bonds for this project. A budget of \$3,500 is requested. This includes \$2,500 for the acquisition, and \$1,000 for closing costs and title insurance.

Motion --  
-- carried

Knight moved that the budget and the Contract be approved; and the necessary signatures be authorized. Motion carried 6 to 0. (Brewer absent)

## PROPERTY ACQ.

### **ACQUISITION OF 454 WAVERLY FOR THE EAST KELLOGG IMPROVEMENT PROJECT.** (District II)

Agenda Report No. 01-0620.

The East Kellogg/Woodlawn Improvement Project was released for active acquisition in December 2000. At the time of approval, there were ten residential and four businesses. Including pending approvals, there are four residences and four business remaining to be purchased. One of the properties remaining to be acquired is 454 Waverly, owned by the Kansas West Annual Conference of the United Methodist Church. The site contains 11,400 square feet and is improved with a 2,240 square foot brick, single-family residence. The property has three bedrooms and two and one-half baths. The planned expansion of Kellogg will require the removal of the improvements and utilization of the entire site.

The property was valued at \$149,500. An amount of \$153,000 was negotiated based on information provided by the owner and accepted. The house is currently vacant and ready for demolition. The site will be processed for immediate demolition.

Funds have been budgeted in the Capital Improvement Program for acquisitions for this project. The funding source will be General Obligation Bonds paid by local sales tax revenues. A budget of \$167,000 is requested. This includes \$153,000 for the acquisition, \$2,000 for relocation, \$10,000 for demolition and \$2,000 for closing costs and title insurance.

Motion --  
-- carried

Knight moved that the budget and the Contract be approved; and the necessary signatures be authorized. Motion carried 6 to 0. (Brewer absent)

## PROPERTY ACQ.

### **ACQUISITION BY EMINENT DOMAIN OF TRACTS REQUIRED FOR THE CENTRAL AND ROCK ROAD INTERSECTION IMPROVEMENT PROJECT.** (District II)

Agenda Report No. 01-0613.

In July 1998, the City Council approved a resolution authorizing the improvement of the intersection of Central and Rock Road as part of the 1998-1999 Traffic Corridor Improvement Program. In early 2001, staff was instructed to initiate formal acquisition of all tracts required for the project. Offers have



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been extended on all subject tracts and negotiations initiated. Agreement has not been reached the tract located at 505 North Rock Road.

City staff and consultants (hired by the City) have been attempting to negotiate a purchase of the identified property, but has been unable to reach an agreement with the owners. The required easements were appraised at \$10,060; this amount was offered to the owner. A monetary counter-offer has not been received. Per Federal guidelines, offer values were set by review appraisals of certified appraisals. Staff will continue to negotiate with the owners, but due to the construction schedule for the project, eminent domain proceedings need to be initiated.

The cost of this acquisition will be paid for by the City at large.

Motion --  
-- carried

Knight moved that the Resolution be adopted; the Ordinance be placed on first reading; and the City Attorney be directed to file the appropriate proceedings. Motion carried 6 to 0. (Brewer absent)

## RESOLUTION NO. 01-200

A Resolution declaring the necessity for acquiring private property for the use of the City of Wichita in connection with the planned improvement to the Intersection of Central Avenue and Rock Road, presented. Knight moved that Resolution be adopted. Motion carried 6 to 0. (Brewer absent) Yeas: Fearey, Gale, Lambke, Martz, Pisciotte, Knight.

## ORDINANCE

An Ordinance declaring Kellogg (U.S. 54), from Gouverneur Road to I-35 \*KTA) to be a main trafficway within the City of Wichita, Kansas, declaring the necessity of and authorizing certain improvements to said main trafficway; and setting forth the nature of said improvements, the estimated costs thereof, and the manner of payment of same repealing Ordinance No. 43-308, of the City of Wichita, Kansas, introduced and under the rules laid over.

## PROPERTY ACQ.

### ACQUISITION BY EMINENT DOMAIN 7800 SOUTHWEST BOULEVARD FOR RUNWAY APPROACH PROTECTION AT MID-CONTINENT AIRPORT. (District V)

Agenda Report No. 01-0614.

The property located at 7800 Southwest Boulevard lies in the Runway Approach Protection area as defined for Mid-continent Airport. The Airport has requested that this tract be acquired to prevent further development in this protected area. The site has 334, 286 square feet and is zoned Limited Industrial. Improvements consist of a single-family residence and a fire-damaged commercial building, both of which have minimal value.

City staff has been attempting to negotiate a purchase of the identified property to protect the Airport facilities, but has been unable to reach an agreement with the owners. The property has been appraised at \$190,000; this amount was offered to the owner. The owner has offered to sell for various amounts ranging from \$1,500,000 to \$3,147,210. Staff will continue to negotiate with the owners, but due to the construction schedule for the project, eminent domain proceedings need to be initiated.

The cost of this acquisition will be paid for with Passenger Facility Charges.

Motion --  
-- carried

Knight moved that the Resolution be adopted; the Ordinance be placed on first reading; and the City Attorney be directed to file the appropriate proceedings. Motion carried 6 to 0. (Brewer absent)

## RESOLUTION NO. 01-201

A Resolution declaring the necessity for acquiring private property for the use of the City of Wichita in connection with preservation of runway approach protection zone for Mid-Continent Airport, presented. Knight moved that Resolution be adopted. Motion carried 6 to 0. (Brewer absent) Yeas: Fearey, Gale, Lambke, Martz, Pisciotte, Knight.

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## ORDINANCE

An Ordinance providing for the acquisition by eminent domain of certain private property, easements and right-of-way therein, for the purpose of preserving the runway approach protection zone for Mid-Continent Airport, in the City of Wichita, Kansas; designating the lands required for such purposes and directing the City Attorney to file a petition in the District Court of Sedgwick County, Kansas, for acquisition of the lands and easements therein taken and providing for payment of the cost thereof, introduced and under the rules laid over.

### RIVERSIDE PARK

#### **AMENDING RESOLUTION – DESIGN AND CONSTRUCTION OF RENOVATIONS AND IMPROVEMENTS TO RIVERSIDE PARK.** (District VI)

Agenda Report No. 01-0615.

On January 23, 2001, the City Council adopted a Resolution that amended a Resolution authorizing improvements to the Riverside Park System. The Resolution contained an error in the number of the Resolution directed to be amended.

An Amended Resolution has been prepared to correct the typographical error.

There is no impact on the project cost.

Motion -- carried

Knight moved that the Resolution be adopted. Motion carried 6 to 0. (Brewer absent)

## RESOLUTION NO. 01-202

A Resolution amending Resolution No. 99-481 relating to the design and construction of renovations and improvements to Riverside Park, presented. Knight moved that Resolution be adopted. Motion carried 6 to 0. (Brewer absent) Yeas: Fearey, Gale, Lambke, Martz, Pisciotte, Knight.

### ORDINANCES

#### **SECOND READING ORDINANCES: (FIRST READ MAY 1, 2001)**

a) Issuance of Taxable Industrial Revenue Bonds, Series I, 2001, and Series II, 2001 – Airtechnics, Inc. (District II)

## ORDINANCE 44-964

An Ordinance authorizing the City of Wichita, Kansas (the "City"), to issue its Taxable Industrial Revenue Bonds in the aggregate principal amount of \$825,000 for the purpose of providing funds to purchase and install certain machinery and equipment in a manufacturing facility located in the City; prescribing the form and authorizing execution of a trust indenture by and between the City and Intrust Bank, NA of Wichita, Kansas, as Trustee, with respect to the Bonds; prescribing the form and authorizing the execution of a Lease Agreement by and between Airtechnics, Inc., and the City; prescribing the form and authorizing the execution of an easement and agreement by and between Airtechnics, Inc., and the City; approving the form of a guaranty agreement by and between Airtechnics, Inc. and the Trustee; approving the form of an Individual Guaranty Agreement by and between Ronald D. Mann and Barbara L. Mann, as individual guarantors, and the Trustee; and authorizing the execution of a Bond Placement Agreement by and between the City, Airtechnics, Inc., the individual guarantors, and Intrust Bank, NA, as purchaser of the Bonds, read for the second time. Knight moved that the Ordinance be placed upon its passage and adopted. Motion carried 6 to 0. (Brewer absent) Yeas: Fearey, Gale, Lambke, Martz, Pisciotte, Knight.

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## ORDINANCE NO. 44-965

An Ordinance authorizing the City of Wichita, Kansas (the "City"), to issue its Taxable Industrial Revenue Bonds in the aggregate principal amount of \$3,475,000 for the purpose of providing funds to acquire certain real property and to construct and equip certain improvements consisting of a new manufacturing facility located in the City; prescribing the form and authorizing execution of a Trust Indenture by and between the City and Intrust Bank, NA, Wichita, Kansas as trustee, with respect to the bonds; prescribing the form and authorizing the execution of a Lease by and between Mann Properties, L.L.C., a Kansas Limited Liability Company, and the City; approving the form of a guaranty agreement by and between Airtechnics, Inc. and the Trustee; approving the form of an individual guaranty agreement by and between Ronald D. Mann and Barbara L. Mann, as individual guarantors, and the Trustee; and authorizing the execution of a Bond Placement Agreement by and between the City, Mann Properties, L.L.C., Airtechnics, Inc., the individual guarantors and Intrust Bank, NA, as purchaser of the Bonds, read for the second time. Knight moved that the Ordinance be placed upon its passage and adopted. Motion carried 6 to 0. (Brewer absent) Yeas: Fearey, Gale, Lambke, Martz, Pisciotte, Knight.

- b) Proposed Existing Buildings Rehabilitation and Change of Use Code.

## ORDINANCE NO. 44-966

An Ordinance creating Chapter 18.44 of the Code of the City of Wichita and adopting by reference the "Wichita Existing Buildings Rehabilitation and Change of Use Code (April, 2001 Edition)," read for the second time. Knight moved that the Ordinance be placed upon its passage and adopted. Motion carried 6 to 0. (Brewer absent) Yeas: Fearey, Gale, Lambke, Martz, Pisciotte, Knight

- c) Proposed Amendments to Title 20 – Minimum Housing Standards Code.

## ORDINANCE NO. 44-967

An Ordinance amending Sections 20.04.010, 24.04.030, 20.04.040, 20.04.050, 20.04-055, 24.04.060, 24.04.070, 24.04.080, and 24.04.110 of the Code of the City of Wichita, Kansas, all pertaining to the Housing Code of the City of Wichita, Kansas and repealing the originals of said Section., read for the second time. Knight moved that the Ordinance be placed upon its passage and adopted. Motion carried 6 to 0. (Brewer absent) Yeas: Fearey, Gale, Lambke, Martz, Pisciotte, Knight.

- d) Establishment of a Redevelopment District – Tax Increment Financing – for Wichita Area Builders Association. (District VI)

## ORDINANCE NO. 44- 968

An Ordinance of the City of Wichita establishing the WABA Development District, read for the second time. Knight moved that the Ordinance be placed upon its passage and adopted. Motion carried 6 to 0. (Brewer absent) Yeas: Fearey, Gale, Lambke, Martz, Pisciotte, Knight.

## **FIRST READING ORDINANCE – SPECIAL ASSESSMENTS FOR WEED MOWING.**

Motion -- carried

Knight moved that the Ordinance be placed on first reading. Motion carried 6 to 0. (Brewer absent)

## ORDINANCE

An Ordinance making a special assessment to pay for the cost of cutting weeds in the City of Wichita, Kansas, introduced and under the rules laid over.

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## PLANNING AGENDA

Marvin Krout Director of Planning stated that Items 27 and 28 could be considered as consensus Items unless the Council desired to withhold other Items.

Motion -- Knight moved that Items 27 and 28 be approved as consensus Items. Motion carried 6 to 0  
-- carried (Brewer absent)

**VAC2001-00012** **VAC2001-00012 – VACATE UTILITY EASEMENTS AND FIRE LANES LOCATED AT THE**  
Item No. 27 **NORTHEAST CORNER OF 37TH STREET NORTH AND SENECA.** (District VI)

Agenda Report No. 01-0616.

MAPC Recommendation: Approve vacation of utility easements and fire lanes. (unanimous)

The applicant is requesting consideration to vacate utility easements and fire lanes in Lot 1, Sherwood Village Addition. The property is undeveloped. The applicant proposes to sell the property and develop it as a church. The current plat (approved by WCC, 02-08-83) was for multifamily development, showing multiple pad sites with abutting utility easements and fire lanes. The proposed development of a church would encroach on the platted utility easements and fire lanes.

No one spoke in opposition to this request at the MAPC's advertised public hearing, and the MAPC voted to approve the vacation, adopting the findings of fact that are incorporated in the Vacation Order. No written protests have been filed.

Motion -- Knight moved that having reviewed the recommendation of the MAPC and in accordance with  
-- carried Policy 10, the Vacation Order be approved and the necessary signatures be authorized.

**VAC2001-00014** **VAC2001-00014 – VACATE UTILITY EASEMENT, GENERALLY LOCATED AT THE**  
Item No. 28 **SOUTHWEST CORNER OF KELLOGG AND MAIN.** (District I)

Agenda Report No. 01-0617.

Staff Recommendation: Approve vacation of utility easement.

MAPC Recommendation: Approve vacation of utility easement. (unanimous)

The applicant proposes construction of 4 new buildings, 2 of which would encroach on the utility easement. There is currently an encroachment on the easement by an existing building.

No one spoke in opposition to this request at the MAPC's advertised public hearing, and the MAPC voted to approve the vacation, adopting the findings of fact that are incorporated in the Vacation Order. No written protests have been filed.

Motion -- Knight moved that having reviewed the recommendation of the MAPC and in accordance with  
-- carried Policy 10, the Vacation Order be approved and the necessary signatures be authorized. Motion carried  
6 to 0. (Brewer absent)

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## ZONING CODE

### AMENDMENT TO THE UNIFIED ZONING CODE - DR2001-02.

Marvin Krout

Director of Planning reviewed the Item.

Agenda Report No. 01-0618.

Staff Recommendation: Approve the amendments to the Unified Zoning Code.

MAPC Recommendation: Approve the amendments to the Unified Zoning Code (12-0); approve amendments governing portable storage containers (12-0); approve amendments adding sexually oriented businesses in the unincorporated area of the County to the Code (12-0); approve amendments adding day reporting centers to the Code (8-4).

In February 2000, the Redevelopment Incentives Task Force included several recommendations to streamline the development and redevelopment process within the older neighborhoods of Wichita. These recommendations focused on increasing the flexibility for meeting parking and setback requirements within the urban areas where the old lot patterns make assembly and redevelopment of land difficult.

Also during this time, the Metropolitan Area Planning Commission reviewed and sent the 1999 Update to The Wichita-Sedgwick County Comprehensive Plan: Preparing for Change to the Wichita City Council and the Sedgwick County Commission. The adopted Comprehensive Plan included recommendations to strengthen efforts to encourage infill and redevelopment in central Wichita and to allow smaller lot sized (5,000 square feet) and increased densities of residential housing types within the SF-6 Single-Family zoning district.

In addition to these major initiatives for Unified Zoning Code amendments, there have been several miscellaneous changes that had been under consideration by MAPC.

Finally, a number of inconsistencies in style and formatting were found during the review of the Unified Zoning Code.

Suggested changes and revisions to the Code were discussed at a series of meeting of the MAPC Advance Plans Subcommittee meetings held from October 2000 though February 2001. A briefing on the proposed Code amendments recommended by the Advance Plans Subcommittee was presented to the full body of the MAPC on February 22, 2001. This was followed with an advertised public hearing held March 8, 2001. The MAPC requested further review of a few items by the Advance Plans Subcommittee; this review was held on March 27, 2001. The proposed amendments were further discussed at public hearings held April 5, April 12, and April 19, 2001.

The amendments are being brought to the Wichita City Council on May 8, 2001, and to the Sedgwick County Board of Commissioners on May 9, 2001. The amendments are being presented as a recodification of the entire Unified Zoning Code.

MAPC voted (9-0) to approve the proposed amendments to the Unified Zoning Code on April 19th, with the exception of amendments to the parking and storing of vehicles and equipment in the front yards of residential areas. This matter will be reconsidered at the MAPC meeting to be held on March 24, 2001.

Highlights of the changes incorporated into the amendments are as follows:

1. To streamline redevelopment and new construction in older, developed areas, it is proposed to allow 100 % of parking needs to be provided by "off-site" parking through administrative determination. This allows businesses to utilize nearby lots to meet their parking requirements when the zoning lot is too small to accommodate the building and the parking.

Flexibility for reducing side and rear yards is increased. In particular, side and rear yards for principal structures can be administratively reduced to three feet. This allows the same setback

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as for accessory structures such as garages. Typically in older urban lots the garage is detached but often only three feet from the parking lot. Under the proposed revision, the principal structure can have the same setback so long as this projection is not within the front half of the lot and it is not more than 60 % of the allowed height in the district. The effect will be to allow attached garages/additions in the rear portions of lots that formerly required the Board of Zoning Appeals to grant variances.

2. Increased density and flexibility in housing types are encouraged by converting "SF-6" Single-Family to "SF-5" Single-Family and reducing the minimum lot size from 6,000 to 5,000 square feet. Also, minimum interior side setbacks are reduced from six feet to five feet for small lots.
3. The portable storage container industry approached the City about making it easier to locate portable containers in LC. The suggested change is to allow placement of portable storage containers for a 120-day period, to be separated by a 60-day period. The intent is to meet periodic needs of retailers for additional storage capacity, but to keep these as temporary, not permanent accessory uses. The containers would not require additional screening or fencing and landscaping if the container blend with the exterior of the principal building and was placed so that it was not highly visible from streets or adjacent residential zoning districts, and complies with building setbacks.
4. In addition, similar requirements for portable storage containers were added for those units in other zoning districts where fencing or screening would have been required due to proximity to arterial streets or residential zoning districts.
5. Definitions and supplemental use requirements for sexually oriented business in the unincorporated area of the County were added to reinforce the requirements of the Adult Entertainment Code adopted last year by separate resolution.
6. Day reporting centers were added as a new zoning use classification and proposed as a Conditional Use in the LI and GI districts. Originally when MAPC considered this item on April 5th, they voted (8-4) to treat day reporting centers the same as correctional placement residences. At the April 19, 2001 meeting, MAPC reconsidered the issue without benefit of proposed language or text, and gave policy direction to the Staff. MAPC voted to separate the correctional placement residences and day reporting centers into two categories. MAPC did not recommend any changes to correctional placement residences but suggested this might be a topic for future discussion.

MAPC voted to allow day reporting centers only in the LI and GI districts, and as a Conditional Use rather than a by-right use regardless of distance from residential zoning. MAPC also recommended that day reporting centers should be prohibited when within 750 feet of residential zoning. However, this distance requirement has been removed from the proposed Code amendments since the licensing distance of 1,200 feet substantially meets the intent of MAPC.

7. Other changes: Many changes are offered throughout the Code; some are substantive but most are technical corrections. Some highlights include the following:
  - a. Changed definition of "parks and recreation" and eliminated the use category of "cultural groups."
  - b. Exempted telecommunication carriers associated with office facilities from "utility, major."
  - c. Consolidated definitions of "motor" and "inoperable" vehicles under category of "vehicles."
  - d. Reordered the intensity of commercial-industrial categories to LC, OW, GC, IP, CBD, LI, and GI.

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- e. Prohibited outdoor storage and work areas in the front setback in the IP district.
- f. Added parking, lighting, noise, and sign requirements typically included in LC car lots approved as a Conditional Use for new car lots developed in the LC or GC districts.
- g. Combined commercial and industrial accessory uses into one category. The differences were that commercial accessory uses included cafeterias and gift shops. These would be appropriate accessory uses for large industrial users also.
- h. Allowed antennas and towers within easements under public franchise or ownership, so long as they adhere to easement agreements.
- i. Gave the authority to the MAPC to vary the standards for Conditional Uses; previously any change in the standards could only be varied by the Board of Zoning Appeals.

Motion --

-- carried

Knight moved that having reviewed the recommendation of the MAPC and in accordance with Policy 10, the amendments to the Unified Zoning Code be approved and the Ordinance be placed on first reading. Motion carried 6 to 0. (Brewer absent)

## ORDINANCE

"Wichita-Sedgwick County Unified Zoning Code, April 19, 2001 Edition", prepared by the Metropolitan Area Planning Commission; and repealing Ordinance No. 44-427 as codified in Section 28.04.010 which adopted the October 28, 1999 Edition of the Unified Zoning Code; and repealing Ordinance No. 44-714, introduced and under the rules laid over.

## AIRPORT AGENDA

### AIRPORT

#### SUPPLEMENTAL AGREEMENT – INTRUST BANK, NA.

Agenda Report No. 01-0619.

In 1997, proposals were solicited from area banks and credit unions to provide automatic teller services (ATM) in the terminal building at Wichita Mid-Continent Airport. Responses were received from three entities. The entity proposing the most favorable offer to the Airport Authority was INTRUST Bank. A one-year agreement was entered into and has been extended for three additional years, through June 30, 2001.

INTRUST, at its expense, provided and installed the ATM located in the terminal building, and is responsible for all maintenance associated with the operation of this machine. The ATM has proven to be of value to the people using Mid-Continent Airport, in addition to providing a revenue source to the WAA.

Revenue to the WAA is a fixed fee of \$300 per month in addition to 50% of the surcharge income generated from users of the ATM. Surcharge revenue to the WAA in 2000 was \$17,897, plus \$3,600 for the fixed fee, yielding a total annual revenue of \$21,497.

Motion --

-- carried

Knight moved that the Agreement/Contract be approved and the necessary signatures be authorized. Motion carried 6 to 0. (Brewer absent)

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## EXECUTIVE SESSION

Motion -- Knight moved that the Council recess to executive session to consider consultation with legal counsel on matters privileged in the attorney/client relationship relating to legal advice and confidential data relating to financial affairs or trade secrets of a business; and council return from executive session no earlier than 10:45 a.m. Motion carried 6 to 0. (Brewer absent)

-- carried

RECESS The City Council recessed at 10:22 a.m. and returned at 11:00 a.m.

Mayor Knight Mayor Knight announced that no action was necessary as a result of the executive session.

ADJOURNMENT The City Council meeting adjourned at 11:00 a.m.

Pat Burnett CMC  
City Clerk